

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	4:05CR3126
)	
Plaintiff,)	MEMORANDUM
vs.)	AND ORDER
)	
ERICK RAY TRIMBLE,)	
)	
Defendant.)	

In response to the parties' joint motion regarding preliminary admissibility (filing 29), I held a conference with counsel in chambers on February 2, 2006. After hearing from the attorneys, I advised them that I generally agree with Defendant's contention that the only admissible evidence regarding Defendant's motion in limine (filing 27) is the state court record of his prior conviction, including such items as the charging document, plea transcript, and judgment. See United States v. Brun, 2004 WL 234401 (D.Minn. 2004); United States v. Larson, 13 Fed. Appx. 439 (8th Cir. 2001); United States v. Smith, 171 F.3d 617 (8th Cir. 1999). While specific rulings on admissibility cannot be made until the hearing on Defendant's motion in limine, it is my firm view that testimony from a state court prosecutor or other such extrinsic evidence is not admissible to prove up the predicate offense.

IT IS ORDERED that a one-hour hearing on Defendant's motion in limine (filing 27) shall be held at 12:00 p.m. on February 22, 2006, in Courtroom No. 1, United States Courthouse, Lincoln, Nebraska. Defendant shall personally attend the hearing.

February 3, 2006.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge